
* * * * *

Appearing at the public hearing held for this case were the property owners, Paul N. Glaudemans and Darlene A. Glaudemans. Appearing in opposition to the request was James T. Hewes, who owns and resides on adjoining

60

100

property located at 6523 Banbury Road.

The facts germane to these cases are not in dispute. As noted above, Mr. and Mrs. Glaudemans own the adjacent lots at issue, known as 809 and 811 Regester Avenue. Apparently, these properties have been in Mrs. Glaudemans' family for many years. The properties were formerly part of a large tract which has been subdivided over the years. In fact, other members of Mrs. Glaudemans' family live nearby, on properties which were created following these subdivisions.

In any event, the property known as 809 Regester Avenue is roughly rectangular in shape and is zoned D.R.5.5. The lot is 52 ft. in width and ranges to a maximum depth of 192 ft. on the west side to 180 ft. on the east side. The property is improved with an existing two story single family dwelling in which Mr. and Mrs. Glaudemans reside. The house is quite old, having been constructed in approximately 1908.

Mr. and Mrs. Glaudemans also own the adjoining lot known as 811 Regester Avenue. That lot is 50 ft. wide but is significantly deeper than 809 Regester Avenue. The depth of the lot known as 811 Regester Avenue ranges from 237 ft. on the east side to 250 ft. on the west side. Presently, the lot is unimproved but for an existing garage. It is clear that the long term use of the lot at 811 Regester Avenue has been to serve as a large side and rear yard for the house on 809 Regester Avenue.

The Petitioners propose constructing a 30 ft. wide by a 40 ft. wide single family dwelling on the lot at 811 Regester Avenue. Such construction would allow a 10 ft. side yard setback on both sides and a sufficient front and rear yard setback. The existing garage would remain, subject to the desires of the new property owner.

Mr. and Mrs. Glaudemans testified that upon the granting of the variance and approval of the building plans, the lot at 811 Regester

Avenue would be sold for the proposed construction. They indicated that they would remain in their existing home at 809 Regester Avenue.

In an answer to a question presented at the hearing as to why the subdivision was proposed, the Petitioners stated that the proposal was to protect the community. They indicated that they intend on remaining in their existing house and felt that the subdivision was permissible and an enhancement to the community. Frankly it is difficult to accept the credibility of these statements. Certainly, the property owners are free to request the variances at issue and use their property in whatever means lawful. However, the area and the construction of a house 20 ft. from their dwelling does not appear to be designed to protect and enhance the community. To the contrary, it is obvious that the plans are designed for financial gain, so that the Petitioners can sell off a viable building lot.

In any event, testimony was also received from Mr. Hewes who lives behind the properties at 809 Regester Avenue. His address is 6523 Banbury Road. Mr. Hewes testified in opposition to the request. He produced a number of photographs which show severe flooding condition on his property during periods of heavy rain and melting snow. Specifically, he testified that water flows from the subject properties into his rear yard. From that location, the water flows through his side yard and into Banbury Road.

The pictures make clear that this is a problem. However, the source of the water is unclear. I conducted a site visit in order to investigate Mr. Hewes' claim. I was on site when the weather was dry but did observe the topography. Also, I examined the character of the houses in the neighborhood. It is not certain if Mr. Hewes' problems are entirely due to drainage from the subject properties. However, it is certain that additional construction in the immediate vicinity (e.g., the proposed dwell-

ORDER RECEIVED FOR FILING

Date

By

ing) will add more impervious surface and could exacerbate an already difficult situation.

A portion of the relief requested by the Petitioners is sought pursuant to Section 304 of the BCZR. That section provides relief for property owners who own undersized lots or lots of insufficient width in certain circumstances. Section 304 of the BCZR allows the owner of an undersized or insufficient width lot owner to utilize the lot if three conditions are met. They are:

1. That the lot at issue be part of a duly recorded subdivision contained within the Land Records of Baltimore County prior to 1955;
2. That no other variances are required; and,
3. That the owner of the lot does not own sufficient adjoining land to conform to the width or area requirement.

Clearly, the Petitioners do not qualify for relief under Section 304. The fact of the matter is that they own adjoining lots and that, when combined, the width and acreage of same are sufficient to meet the requirements. If the property owner of lot 811 Regester Avenue was not Mr. and Mrs. Glaudemans, relief may well be available, pursuant to Section 304. However, it is clearly not available under the current ownership.

As to the variance relief pursuant to Section 307 for the property known as 811 Regester Avenue, I am persuaded to grant same. The grant of that variance is based upon the fact that same is necessary to legitimize existing conditions; i.e., the 52 ft. lot width of this improved property. As noted above, the subject dwelling was constructed well prior to the adoption of any zoning ordinance in Baltimore County. In my judgment, the Petitioners satisfied the tests set forth in Section 307 of the BCZR, as construed by the case law. Thus, the variance shall be granted for the lot known as 809 Regester Avenue.

ORDER RECEIVED FOR FILING

Date

By

Variance relief for 811 Regester Avenue, pursuant to Section 307, is more problematic. The Petitioner must demonstrate that a practical difficulty would result if relief were denied. Moreover, the Petitioner must show that the relief can be granted without detriment to adjacent or nearby properties. The Petitioners correctly point out that the area requirements for the lot located at 811 Regester Avenue are more than satisfied. The property contains more than sufficient amount of acreage to support a single family dwelling. They also note that the front, side and rear yard setbacks will all be maintained. A comparison of nearby lots was also submitted in support of the Petitioners' contention that undersized lots are routine in the neighborhood.

Nonetheless, Mr. Hewes' testimony cannot be ignored. Admittedly, no expert testimony was presented by either side regarding drainage patterns in the area and the impact of the proposed single family dwelling on Mr. Hewes' existing problem. However, the photographs and my site inspection make clear that the water generally flows towards the Hewes property from the subject lots. The Petitioners offered no testimony as to how storm water management would be directed or managed after construction of a single family dwelling.

For this reason, I am persuaded to deny the variance as it relates to the property at 811 Regester Avenue. In my judgment, the Petitioners have failed to demonstrate the house can be constructed without detriment to adjacent properties. Thus, the requested relief will be granted in part and denied in part.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part.

ORDER RECEIVED FOR FILING

Date

12/16/96

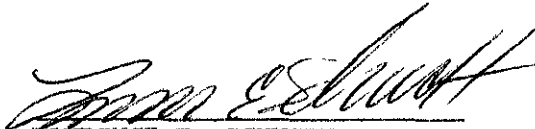
By

Ch. H. H. H.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of December, 1996 that a variance from Section 1B02.3.C.1 of the BCZR for approval of a lot width of 52 ft., in lieu of the required 55 ft, in case No. 97-125-A, (809 Regester Avenue) be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B02.3.C.1 of the BCZR, or in the alternative, pursuant to Section 304, so as to permit a lot width of 50 ft., in lieu of the required 55 ft., in case No. 97-126 (811 Regester Avenue) be and is hereby DENIED.

Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECEIVED FOR FILING
Date 12/16/96
By M. Howard



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 10, 1996

Mr. and Mrs. Paul N. Glaudemans
809 Regester Avenue
Baltimore, Maryland 21239

RE: Case Nos. 97-125-A and 97-126-A
Petition for Zoning Variance
Property: 809 Regester Avenue & 811 Regester Avenue

Dear Mr. and Mrs. Glaudemans:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in part and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. James T. Hewes, 6523 Banbury Road, 21239
c: Mr. William Meyers II, 1400 W. Joppa Road, Baltimore, Md. 21204





#125 ORIG. KEEPIN Z. FILE.

Petition for Variance

97-125-A

to the Zoning Commissioner of Baltimore County

for the property located at 809 ~~Regester~~ Regester Ave. Balt. MD 21239

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

A LOT WITH A ~~55~~ FIFTY TWO FT. WIDTH IN LIEU OF THE REQUIRED 55. FT. (LOT IS IMPROVED WITH AN EXISTING RESIDENCE) 1302.3 C.I. TO PERMIT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Hardship and Practical Difficulty TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Paul N. Glaudemans

(Type or Print Name)

Signature

Darlene A. Glaudemans

(Type or Print Name)

Darlene A. Glaudemans

Signature

W-363-2600-Ext 3007

809 Regester Avenue H- 377-3723

Address Phone No

Baltimore, MD 21239

City State Zipcode

Name, Address and phone number of representative to be contacted.

William Meyers 2nd

Name

1400 West Joppa Road 321-6822

Baltimore, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates

Next Two Months

ALL ☒ OTHER

REVIEWED BY:

DATE 9/19/96



Printed with Soybean Ink
on Recycled Paper

HEAR WITH ITEM #126
Zoning Administration
Development Management

3

125

ZONING DESCRIPTION for 809 REGESTER AVENUE

97-125-A

Beginning on a point on the south side of Regester Avenue, fifty feet wide, at the distance of one hundred sixty feet North seventy-one degrees forty minutes West from the southwest intersection of Regester Avenue and Sherwood Road, fifty feet wide and running thence North seventy-one degrees forty minutes West binding on the South side of Regester Avenue fifty-five feet thence South three minutes West, parallel with aforesaid Sherwood Road one hundred and ninety-two and four one-hundredths feet thence South eighty-nine degrees fifty-seven minutes East fifty-two and twenty-two one-hundredths feet and thence North three minutes East one hundred and seventy-five feet to the beginning, said lot of ground and the improvements thereon being known as No. 809 Regester Avenue, previously being Lot 368B in the subdivision of Idlewylde as recorded in deed reference # A & B 8342, folio #546, plat # 7-140, in the 9th Election district and ~~the~~ Councilmanic district of Baltimore County, MD.

4

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 024. 6
BY JLL # 125

DATE

9/19/96

ACCOUNT

R0016150

AMOUNT

\$ 85.00

RECEIVED
FROM:

GLAUDEMANS.

FOR:

1 RV

1 SIGN - COMBINE ITEM #S 125 + 126

02A918006181CHRC

\$85.00

BA 6009-10AM09-19-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION


WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

USE SAME SIGN FOR
ITEMS 125/126
97-125-A

SIGN WORDING



~~809 REGISTER AVE.~~

~~FROM~~ 1802.3.C.1 TO PERMIT A LOT WITH A
~~52~~⁵² FT. LOT WIDTH IN LIEU OF THE REQUIRED
55 FT. (FOR 809 REGISTER AVE; A LOT IMPROVED
WITH AN EXISTING RESIDENCE).

(P) AND TO PERMIT A LOT WIDTH OF 50 FT.
IN LIEU OF THE REQUIRED 55 FT. AND ANY
OTHER VARIANCES DEEMED NECESSARY, AND TO
APPROVE AN UNDERSIZE LOT (FOR 811 REGISTER
AVE. FOR A NEW DWELLING).

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3, 1996.

THE JEFFERSONIAN,
A. H. Erickson
 LEGAL AD. - TOWSON

NOTICE OF HEARING

The Planning Commission of Baltimore County, by resolution of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein, in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-125-A
 (Item 125)

803 Regester Avenue,
 585 Regester Avenue, 1607
 NW of Sharwood Road
 5th Bedminster
 4th Courthouse

Legal Owner(s):
 Paul N. Gaudinans and
 Terence A. Gaudinans

Variance to permit a lot with
 a 32 foot width in lieu of the
 required 55 feet.

Hearing: Wednesday, October
 23, 1996 at 5:00 a.m. in Room
 106, County Office Building.

LAWRENCE E. SCHMIDT,
 Zoning Commissioner for
 Baltimore County

NOTES: (1) Hearings are
 Handicapped Accessible for
 special accommodations
 Please Call 887-3363

(2) For information concern-
 ing the file and/or Hearing,
 Please Call 887-3391.

10/04/96 Oct. 3 CB77/5



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-125-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: #125 Petitioner: GLAUEMANS

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. Paul N. Glaudemans

ADDRESS: 809 Regester Ave

Baltimore, Md 21239

PHONE NUMBER: (410) 377-2723

TO: PUTUXENT PUBLISHING COMPANY
October 3, 1996 Issue - Jeffersonian

Please forward billing to:

Paul N. Glaudemans
809 Regester Avenue
Baltimore, MD 21239
377-2723

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-125-A (Item 125)
809 Regester Avenue
S/S Regester Avenue, 160' NW of Sherwood Road
9th Election District - 3rd Councilmanic
Legal Owner(s): Paul N. Glaudemans and Darlene A. Glaudemans

Variance to permit a lot with a 52 foot width in lieu of the required 55 feet.

HEARING: WEDNESDAY, OCTOBER 23, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 27, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-125-A (Item 125)
809 Regester Avenue
S/S Regester Avenue, 160' NW of Sherwood Road
9th Election District - 3rd Cuncilmanic
Legal Owner(s): Paul N. Glaudemans and Darlene A. Glaudemans

Variance to permit a lot with a 52 foot width in lieu of the required 55 feet.

HEARING: WEDNESDAY, OCTOBER 23, 1996 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Paul and Darlene Glaudemans
William Meyers 2nd

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 25, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-126-A

IN THE MATTER OF: PAUL N. GLAUDEMANS, ET UX
S/s Regester Avenue, 110' NW of Sherwood Road
(811 Regester Avenue) 9th E; 3rd C Districts

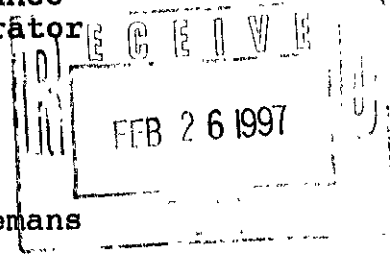
(Denial of Variance /lot width /undersized lot.)

ASSIGNED FOR: TUESDAY, APRIL 15, 1997 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator



cc: Appellants /Petitioners: Paul N. and Darlene A. Glaudemans

Protestant : James T. Hewes

William Meyers II
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 18, 1996

Mr. and Mrs. Paul Glaudemans
809 Regester Avenue
Baltimore, MD 21239

RE: Item No.: 125
Case No.: 97-125-A
Petitioner: Paul Glaudemans, et ux

Dear Mr. and Mrs. Glaudemans:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 19, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)




BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: October 7, 1996

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 7, 1996
Item Nos. 119, 121, 122, 124, 125,
126, 127, & 129

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 30, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 119, 120, 121, 122, 124,
125, 126, 127 and 129.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 125 (JLL)

9/27/96

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Sep 26, 96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 30, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

119

122

124

125

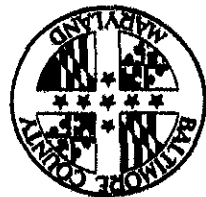
126

127

129

RBS:sp

BRUCE2/DEPRM/TXTSBP



C.A. Dutch Ruppersberger, III
Baltimore County Executive

Executive Office
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2450
Fax: (410) 887-5781

September, 1996

Dear County Employee:

The 1996 United Way of Central Maryland charity campaign for Baltimore County Government is now in full swing. Please help United Way continue to aid family, friends, and neighbors by generously contributing to this year's gift giving.

One out of three people is touched by a United Way service each year--600,000 individuals whose lives are better because we care enough to give.

Far too many of our fellow citizens find it difficult to provide for the basics of life--food, clothing, shelter, and health care. Over 10,000 children in our County live below the poverty line. Homeless shelters serve nearly 3,000 and turned away over 1,000 more. Nearly twenty percent of our residents are over the age of sixty, with many lacking the necessary support and services to aid them. With limited resources, County Government cannot help all of those in need. Fortunately, we can count on over 300 United Way human care services to help improve the quality of life in our County.

Through United Way, we can help teens learn personal responsibility, teach adults how to read, provide affordable day care for our children, improve health care for families, help people with disabilities lead more independent lives, and care for the elderly.

We are extremely proud of Baltimore County employees' tradition of generously supporting the United Way. We are once again asking you to help the less fortunate by contributing to this year's campaign.

On behalf of the recipients of your contributions, thank you.

C.A. Dutch Ruppersberger
C.A. Dutch Ruppersberger, III
County Executive
Baltimore County
AFSCME, Local 921
Tom Cullen
Fraternal Order of Police, Lodge #4
Ricky C. Williams
Supervisory, Management & Confidential Employees

George G. Perdikkakis
Chairman, 1996 United Way Campaign
Baltimore County Federation of Public Employees
James J. Clark
Baltimore County Fire Fighters Association, Local 1311
Robert Smith
Baltimore County Federation of Public Health Nurses

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,
Permits and Development Management

DATE: October 18, 1996

FROM: Arnold F. "Pat" Keller, III, Director,
Office of Planning

SUBJECT: 809 & 811 Regester Avenue

INFORMATION:

Item Numbers:

125 and 126

Petitioner:

Glaudemans Property

Property Size:

Zoning:

DR 5.5

Requested Action:

Hearing Date:

/ /

SUMMARY OF RECOMMENDATIONS:

This is a combined comment for an undersized lot at 809 Regester Avenue and a lot width variance for a 52 foot wide lot at 811 Regester Avenue in lieu of the required 55 feet.

As for the undersized lot request, pursuant to Section 304 of the Baltimore County Zoning Regulations, use of undersized lot, a one family dwelling may be erected on a lot having an area or width less than that required if three (3) conditions are met:

- A. The lot must be recorded by deed or in a validity approved subdivision prior to March 30, 1995;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and acres requirements.

It appears that the first two criterion have been met, but the third cannot be met since the property owners own two adjacent lots. Therefore, the undersized lot approval should not be granted.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP
RE: ZAC Comment Item 125 and 126

As for the variance request, the neighborhood contains a mix of lot sizes with 5 of the 11 lots cited on a list of adjacent property owners as undersized lots. Provided the applicant meets the test of hardship/practical difficulty, this office recommends the granting of the lot width variances subject to the following restrictions:

1. The house type for 811 Regester Avenue should be in accordance with the Liberty Elevation One, without the attached garage.
2. The vinyl siding should be a neutral color and asphalt shingles.

Prepared by:

Jeffrey W. Long

Division Chief:

Dennis Wertz

AFK/JL:rdn

RE: PETITION FOR VARIANCE
809 Regester Avenue, S/S Regester Ave.,
160' NW of Sherwood Road
9th Election District, 3rd Councilmanic

Paul N. and Darlene A. Glaudemans
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-125-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to William Meyers, 2nd, 1400 W. Joppa Road, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

125

97-125-A

12

ADJACENT PROPERTY OWNERS
(All on Tax Map 80, Parcel 128)

809 Regester (811)	Paul N. Glaudemans Darlene A. Glaudemans Lot 368A, Deed Reference /8342/546 Tax Account #0904500391	50' x 243'
809 Regester	Paul N. Glaudemans Darlene A. Glaudemans Lot 368B, Deed Reference /8342/546 Tax Account #0904500392	55' x 182'
807 Regester	George L. Sisson, Jr. Dorothy M. Sisson Lot 366A, Deed Reference /5169/398 Tax Account #0904500390	50' x 206'
805 Regester	There is no such address	
803 Regester	Charlotte Haile Smyth, Trustee 1439 Providence Road 21286-1521 Lot 366B, Deed Reference /8701/754	50' x 129'
801 Regester	Barry J. Schech Kathleen L. Schech Lot 365, Deed Reference /5548/327 Tax Account #0916000590	58' x 158'
6518 Sherwood	Robert S. Schmelz, Jr. Ethel Mae Schmelz Lot 1, Deed Reference /9027/584 Tax Account #1700010465	68' x 133'
6516 Sherwood	Cornelius Y. Veenis Susan D. Veenis Lot 2, Deed Reference /5862/113 Tax Account #1700010466	65' x 100'
6514 Sherwood	Marie J. Gallatin Wayne N. Gallatin Lot 3, Deed Reference /5848/49	67' x 95'
6428 Sherwood	Andrew M. McConnell Doris I. McConnell Lot 372B, Deed Reference /3210/69 Tax Account #0913008020	50' x 195'
6426 Sherwood	Bobby D. Scruggs Trula Scruggs Lot 372A, Deed Reference /4853/399 Tax Account #0919078250	50' x 185'

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

James T. Hewes

ADDRESS

6523 Banbury Rd. 21259



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 809 REGESETER AVE

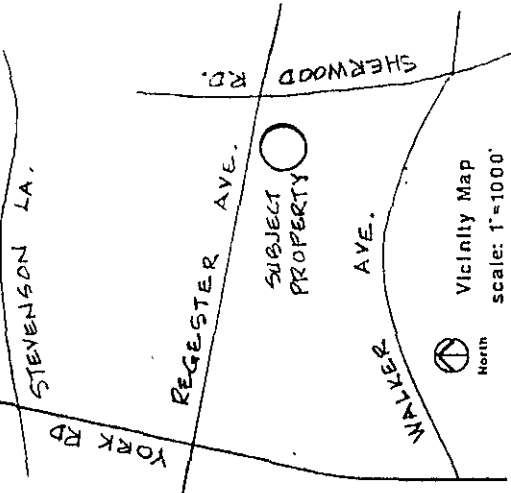
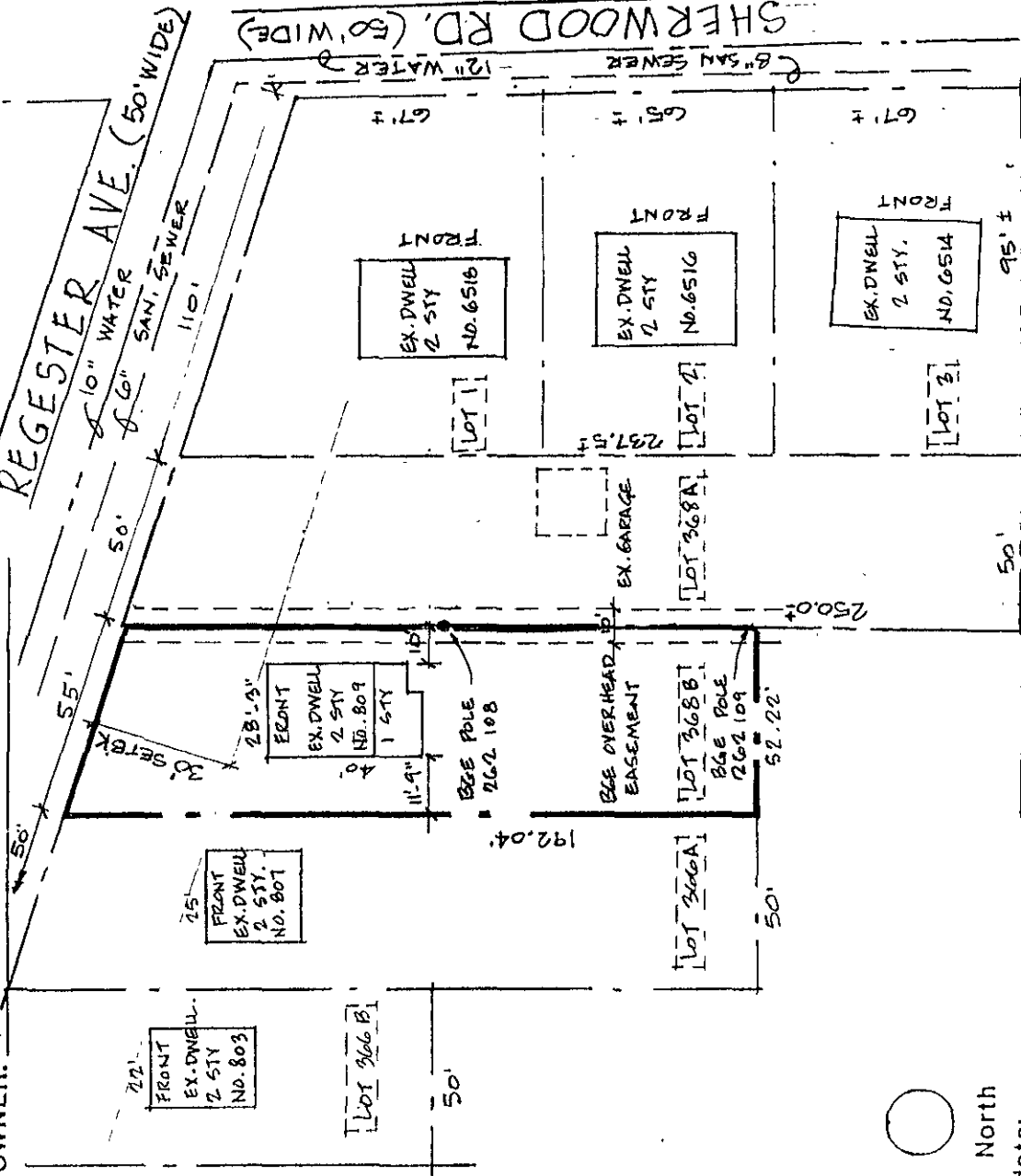
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: IDLEWYLDE

plat book # 140, folio # 546, lot # 368A, section # N/A

97-125-A

OWNER: PAUL N. AND DARLENE A. GLAUDEMANIS



LOCATION INFORMATION

Election District: 09
 Councilmanic District: 04
 1\"/>

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

125

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

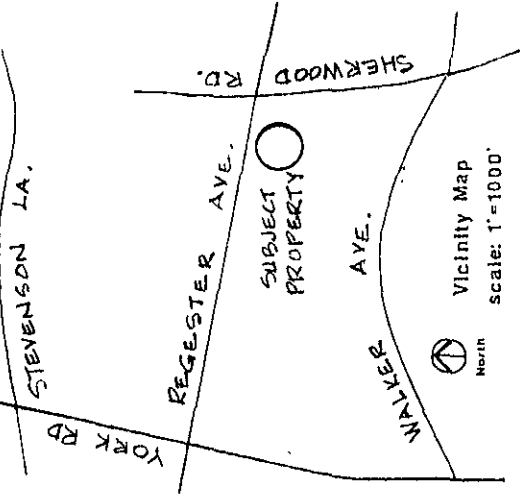
PROPERTY ADDRESS: 809 & 811 REGISTER AVE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: IDLEWYLDE

Parcel # 80, folio # 128, lot # 368A, section # N/A

OWNER: PAUL N. AND DARLENE A. GLAUDEMANIS



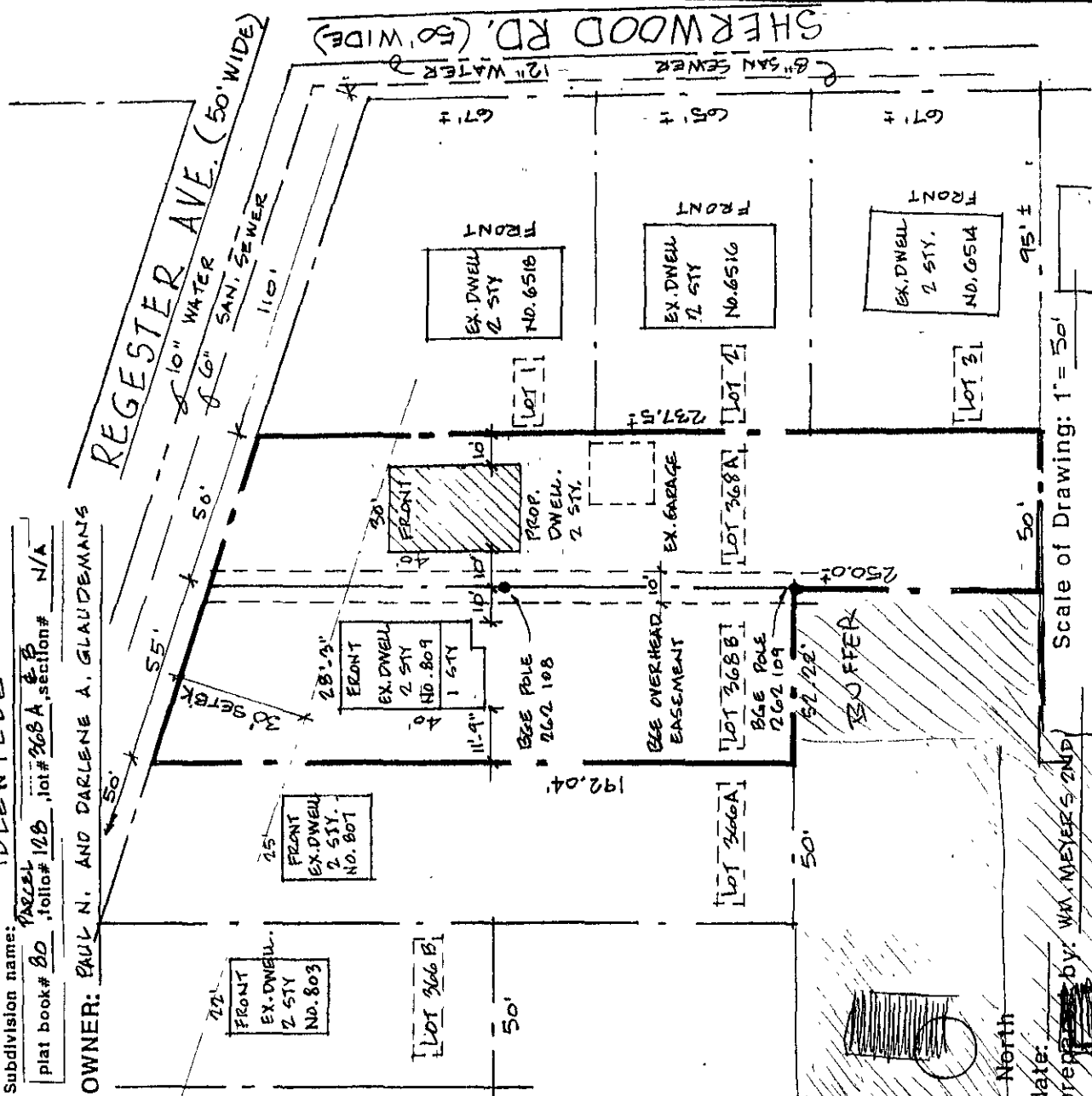
LOCATION INFORMATION

Election District: 09
 Councilmanic District: 03
 1"=200' scale map #: NE 8A
 Zoning: DE 5.5
 Lot size: 0.51 acreage
 22,045 ± square feet

public ☒ private ☐
 SEWER: ☒ WATER: ☒
 Chesapeake Bay Critical Area: ☐ YES ☒ NO
 Prior Zoning Hearings: NONE

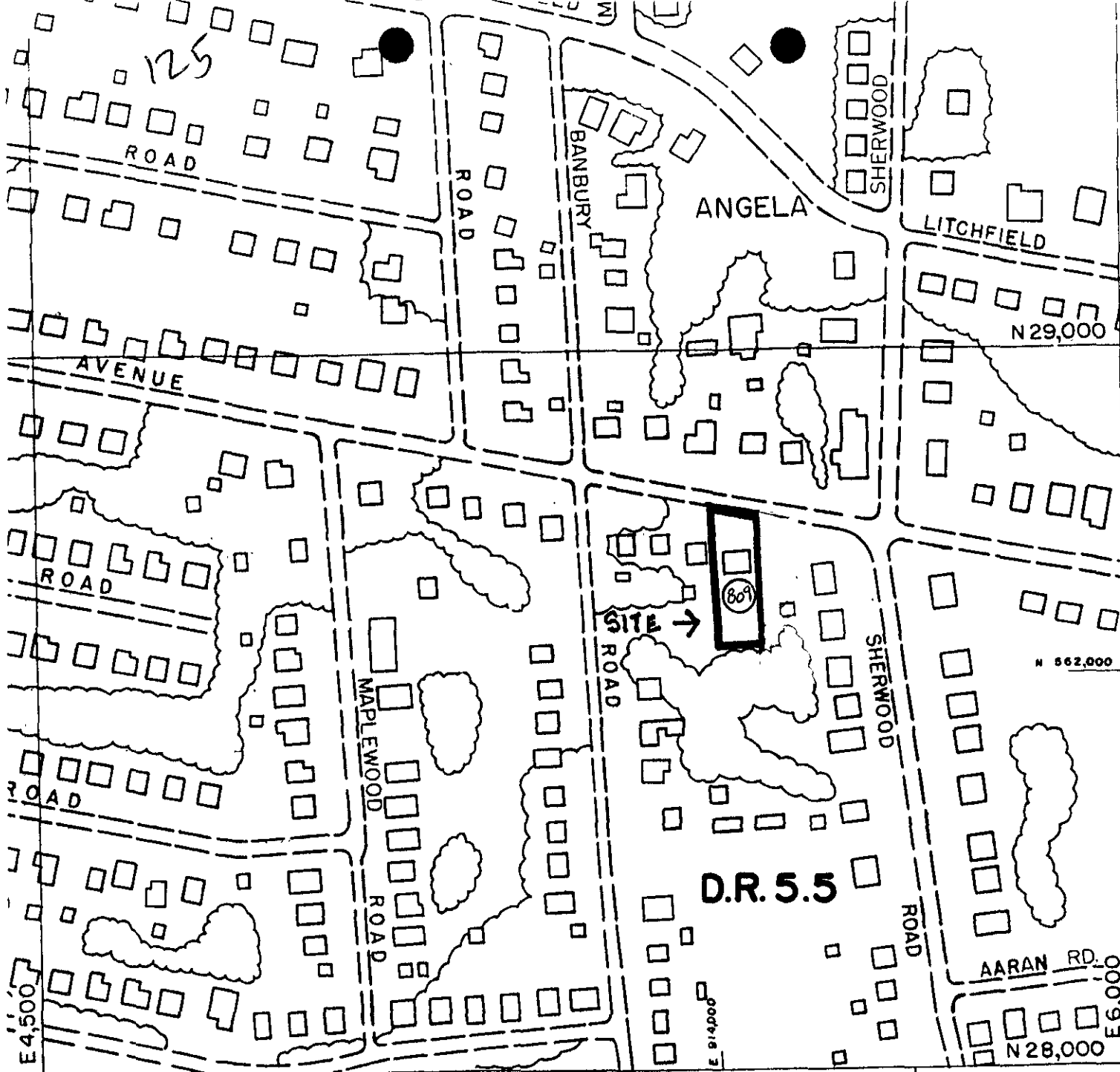
Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:



Scale of Drawing: 1" = 50'

date: prepared by: WM. MEYER'S 2ND



ZONING MAP County Council 2 92,187-92,188-92,189-92	SCALE 1" = 200' ±	LOCATION STONELEIGH ANNESLIE ROGERS FORGE	SHEET N.E. 8-A
	DATE OF PHOTOGRAPHY JANUARY 1986		

Howard IV
Council

97-125-A

ORDER RECEIVED FOR FILING

Date 12/6/96
By Ch. H. Hark

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Regester Ave., 160 ft. NW * ZONING COMMISSIONER
of Sherwood Road *
809 Regester Avenue * OF BALTIMORE COUNTY
9th Election District *
3rd Councilmanic District * Case No. 97-125-A
Paul N. Glaudemans, et ux
Petitioners

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Regester Ave., 110 ft. NW * ZONING COMMISSIONER
of Sherwood Road *
811 Regester Avenue * OF BALTIMORE COUNTY
9th Election District *
3rd Councilmanic District * Case No. 97-126-A
Paul N. Glaudemans, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters came before the Zoning Commissioner as a combined hearing for adjacent properties located at 809 Regester Avenue and 811 Regester Avenue in the Idlewyde community. As to case No. 97-125-A, variance relief is requested for the property known as 809 Regester Avenue. Specifically, a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) is sought to permit a lot width of 52 ft. in lieu of the required 55 ft. As to case No. 97-126-A, for the property known as 811 Regester Avenue, variance relief is requested also from Section 1802.3.C.1 of the BCZR so as to permit a lot width of 50 ft. in lieu of the required 55 ft. Relief is also requested in case No. 97-126-A to approve an undersized lot pursuant to Section 304 of the BCZR. The subject properties and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were the property owners, Paul N. Glaudemans and Darlene A. Glaudemans. Appearing in opposition to the request was James T. Hewes, who owns and resides on adjoining

property located at 6523 Banbury Road.

The facts germane to these cases are not in dispute. As noted above, Mr. and Mrs. Glaudemans own the adjacent lots at issue, known as 809 and 811 Regester Avenue. Apparently, these properties have been in Mrs. Glaudemans' family for many years. The properties were formerly part of a large tract which has been subdivided over the years. In fact, other members of Mrs. Glaudemans' family live nearby, on properties which were created following these subdivisions.

In any event, the property known as 809 Regester Avenue is roughly rectangular in shape and is zoned D.R.5.5. The lot is 52 ft. in width and ranges to a maximum depth of 192 ft. on the west side to 180 ft. on the east side. The property is improved with an existing two story single family dwelling in which Mr. and Mrs. Glaudemans reside. The house is quite old, having been constructed in approximately 1908.

Mr. and Mrs. Glaudemans also own the adjoining lot known as 811 Regester Avenue. That lot is 50 ft. wide but is significantly deeper than 809 Regester Avenue. The depth of the lot known as 811 Regester Avenue ranges from 237 ft. on the east side to 250 ft. on the west side. Presently, the lot is unimproved but for an existing garage. It is clear that the long term use of the lot at 811 Regester Avenue has been to serve as a large side and rear yard for the house on 809 Regester Avenue.

The Petitioners propose constructing a 30 ft. wide by a 40 ft. wide single family dwelling on the lot at 811 Regester Avenue. Such construction would allow a 10 ft. side yard setback on both sides and a sufficient front and rear yard setback. The existing garage would remain, subject to the desires of the new property owner.

Mr. and Mrs. Glaudemans testified that upon the granting of the variance and approval of the building plans, the lot at 811 Regester

ORDER RECEIVED FOR FILING

Date 12/6/96
By Ch. H. Hark

-2-

ORDER RECEIVED FOR FILING

Date 12/6/96
By Ch. H. Hark

Avenue would be sold for the proposed construction. They indicated that they would remain in their existing home at 809 Regester Avenue.

In an answer to a question presented at the hearing as to why the subdivision was proposed, the Petitioners stated that the proposal was to protect the community. They indicated that they intend on remaining in their existing house and felt that the subdivision was permissible and an enhancement to the community. Frankly it is difficult to accept the credibility of these statements. Certainly, the property owners are free to request the variances at issue and use their property in whatever means lawful. However, the area and the construction of a house 20 ft. from their dwelling does not appear to be designed to protect and enhance the community. To the contrary, it is obvious that the plans are designed for financial gain, so that the Petitioners can sell off a viable building lot.

In any event, testimony was also received from Mr. Hewes who lives behind the properties at 809 Regester Avenue. His address is 6523 Banbury Road. Mr. Hewes testified in opposition to the request. He produced a number of photographs which show severe flooding condition on his property during periods of heavy rain and melting snow. Specifically, he testified that water flows from the subject properties into his rear yard. From that location, the water flows through his side yard and into Banbury Road.

The pictures make clear that this is a problem. However, the source of the water is unclear. I conducted a site visit in order to investigate Mr. Hewes' claim. I was on site when the weather was dry but did observe the topography. Also, I examined the character of the houses in the neighborhood. It is not certain if Mr. Hewes' problems are entirely due to drainage from the subject properties. However, it is certain that additional construction in the immediate vicinity (e.g., the proposed dwell-

-3-

ing) will add more impervious surface and could exacerbate an already difficult situation.

A portion of the relief requested by the Petitioners is sought pursuant to Section 304 of the BCZR. That section provides relief for property owners who own undersized lots or lots of insufficient width in certain circumstances. Section 304 of the BCZR allows the owner of an undersized or insufficient width lot owner to utilize the lot if three conditions are met. They are:

1. That the lot at issue be part of a duly recorded subdivision contained within the Land Records of Baltimore County prior to 1955;
2. That no other variances are required; and,
3. That the owner of the lot does not own sufficient adjoining land to conform to the width or area requirement.

Clearly, the Petitioners do not qualify for relief under Section 304. The fact of the matter is that they own adjoining lots and that, when combined, the width and acreage of same are sufficient to meet the requirements. If the property owner of lot 811 Regester Avenue was not Mr. and Mrs. Glaudemans, relief may well be available, pursuant to Section 304. However, it is clearly not available under the current ownership.

As to the variance relief pursuant to Section 307 for the property known as 811 Regester Avenue, I am persuaded to grant same. The grant of that variance is based upon the fact that same is necessary to legitimize existing conditions; i.e., the 52 ft. lot width of this improved property. As noted above, the subject dwelling was constructed well prior to the adoption of any zoning ordinance in Baltimore County. In my judgment, the Petitioners satisfied the tests set forth in Section 307 of the BCZR, as construed by the case law. Thus, the variance shall be granted for the lot known as 809 Regester Avenue.

-4-

ORDER RECEIVED FOR FILING

Date 12/6/96
By Ch. H. Hark

Variance relief for 811 Regester Avenue, pursuant to Section 307, is more problematic. The Petitioner must demonstrate that a practical difficulty would result if relief were denied. Moreover, the Petitioner must show that the relief can be granted without detriment to adjacent or nearby properties. The Petitioners correctly point out that the area requirements for the lot located at 811 Regester Avenue are more than satisfied. The property contains more than sufficient amount of acreage to support a single family dwelling. They also note that the front, side and rear yard setbacks will all be maintained. A comparison of nearby lots was also submitted in support of the Petitioners' contention that undersized lots are routine in the neighborhood.

Nonetheless, Mr. Hewes' testimony cannot be ignored. Admittedly, no expert testimony was presented by either side regarding drainage patterns in the area and the impact of the proposed single family dwelling on Mr. Hewes' existing problem. However, the photographs and my site inspection make clear that the water generally flows towards the Hewes property from the subject lots. The Petitioners offered no testimony as to how storm water management would be directed or managed after construction of a single family dwelling.

For this reason, I am persuaded to deny the variance as it relates to the property at 811 Regester Avenue. In my judgment, the Petitioners have failed to demonstrate the house can be constructed without detriment to adjacent properties. Thus, the requested relief will be granted in part and denied in part.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part.

ORDER RECEIVED FOR FILING

Date 12/6/96
By Ch. H. Hark

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of December, 1996 that a variance from Section 1802.3.C.1 of the BCZR for approval of a lot width of 52 ft., in lieu of the required 55 ft., in case No. 97-125-A, (809 Regester Avenue) be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1802.3.C.1 of the BCZR, or in the alternative, pursuant to Section 304, so as to permit a lot width of 50 ft., in lieu of the required 55 ft., in case No. 97-126 (811 Regester Avenue) be and is hereby DENIED.

Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.

LES/mmn

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

-6-



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 10, 1996

Mr. and Mrs. Paul N. Glaudemans
809 Regester Avenue
Baltimore, Maryland 21239

RE: Case Nos. 97-125-A and 97-126-A
Petition for Zoning Variance
Property: 809 Regester Avenue & 811 Regester Avenue

Dear Mr. and Mrs. Glaudemans:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in part and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
att.
cc: Mr. James T. Hewes, 6523 Banbury Road, 21239
c: Mr. William Meyers II, 1400 W. Joppa Road, Baltimore, Md. 21204

Printed with Soybean Ink
on Recycled Paper



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 809 Regester Ave. Balt. MD 21239
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO PERMIT A LOT WITH A ~~52~~ 55 FT. WIDTH IN LIEU OF THE REQUIRED 55 FT. (LOT IS IMPROVED WITH AN EXISTING RESIDENCE)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Hardship and Practical Difficulty TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expense of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):

Type or First Name

Signature

Address

City State Zip

Attorney for Petitioner

Type or First Name

Signature

Address

City State Zip

With so solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Paul N. Glaudemans

Signature

Darlene A. Glaudemans

(Type or First Name)

Signature

809 Regester Avenue W-363-2600-Ext 3007

Address

Baltimore, MD 21239

City, Address and phone number of representative to be contacted.

Name

William Meyers 2nd

1400 West Joppa Road 321-6822

Baltimore, MD 21204

Phone No.

ESTIMATED LENGTH OF HEARING

Next Two Months

ALL REVIEWED BY DATE 9/19/96

Printed with Soybean Ink
on Recycled Paper

HEAR WITH ITEM
#125

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: October 7, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
For October 7, 1996
Item Nos. 119, 121, 122, 124, 125,
126, 127, & 129

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE30

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 10/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 30, 1996.

Item No.: SEE BELOW

Zoning Agenda:

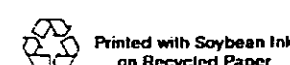
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 119, 120, 121, 122, 124, 125, 126, 127 and 129.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 125 (JLL)

9/27/96

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Michael E. Smith
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 787 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 30, 96

DATE: Sep 26, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:
119
122
124
125
126
127
129

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,
Permits and Development Management
DATE: October 18, 1996

FROM: Arnold F. "Pat" Keller, III, Director,
Office of Planning

SUBJECT: 809 & 811 Regester Avenue

INFORMATION:

Item Numbers: 125 and 126

Petitioner: Glaudemans Property

Property Size: _____

Zoning: DR 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

This is a combined comment for an undersized lot at 809 Regester Avenue and a lot width variance for a 52 foot wide lot at 811 Regester Avenue in lieu of the required 55 feet.

As for the undersized lot request, pursuant to Section 304 of the Baltimore County Zoning Regulations, use of an undersized lot, a one family dwelling may be erected on a lot having an area or width less than that required if three (3) conditions are met:

- The lot must be recorded by deed or in a validity approved subdivision prior to March 30, 1995;
- All other requirements of the height and area regulations are complied with; and
- The owner of the lot does not own sufficient adjoining land to conform to the width and acres requirements.

It appears that the first two criterion have been met, but the third cannot be met since the property owners own two adjacent lots. Therefore, the undersized lot approval should not be granted.

ITEM 125/PZONE/AFK

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP
RE: ZAC Comment Item 125 and 126

As for the variance request, the neighborhood contains a mix of lot sizes with 5 of the 11 lots cited on a list of adjacent property owners as undersized lots. Provided the applicant meets the test of hardship/practical difficulty, this office recommends the granting of the lot width variances subject to the following restrictions:

- The house type for 811 Regester Avenue should be in accordance with the Liberty Elevation One, without the attached garage.
- The vinyl siding should be a neutral color and asphalt shingles.

Prepared by: Jeffrey W. Lax
Division Chief: Dennis West
AFK/JL:rdn

ITEM 125/PZONE/ZAC1

RE: PETITION FOR VARIANCE
809 Regester Avenue, S/S Regester Ave.,
160' NW of Sherwood Road
9th Election District, 3rd Councilmanic
Paul N. and Darlene A. Glaudemans
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-125-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
CAROLE S. DENTILLO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to William Meyers, 2nd, 1400 W. Joppa Road, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

ADJACENT PROPERTY OWNERS
(All on Tax Map 80, Parcel 128)

809 Regester (811) Paul N. Glaudemans
Darlene A. Glaudemans
Lot 368A, Deed Reference /8342/546
Tax Account #0904500391 50' x 243'

809 Regester Paul N. Glaudemans
Darlene A. Glaudemans
Lot 368B, Deed Reference /8342/546
Tax Account #0904500392 55' x 182'

807 Regester George L. Sisson, Jr.
Dorothy M. Sisson
Lot 366A, Deed Reference /5169/326
Tax Account #0904500390 50' x 206'

805 Regester There is no such address

803 Regester Charlotte Baile Smyth, Trustee
1439 Providence Road 21286-1521
Lot 368B, Deed Reference /8701/754 50' x 129'

801 Regester Barry J. Schach
Kathleen L. Schach
Lot 365, Deed Reference /5548/327
Tax Account #0916000590 58' x 158'

6518 Sherwood Robert S. Schmelz, Jr.
Ethel Mae Schmelz
Lot 1, Deed Reference /9027/584
Tax Account #1700010465 68' x 133'

6516 Sherwood Cornelius Y. Veenis
Susan D. Veenis
Lot 2, Deed Reference /5862/113
Tax Account #1700010466 65' x 100'

6514 Sherwood Marie J. Gallatin
Wayne N. Gallatin
Lot 3, Deed Reference /5848/49 67' x 95'

6428 Sherwood Andrew M. McConnell
Doris L. McConnell
Lot 372B, Deed Reference /3210/69
Tax Account #0913008820 50' x 195'

6426 Sherwood Bobby D. Scruggs
Trula Scruggs
Lot 372A, Deed Reference /4853/399
Tax Account #0919078250 50' x 185'

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME: James T. Hower
ADDRESS: 6525 Bonbury Rd. 21239

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 801 REGISTER AVE. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: 10 LE WYLD DE 97-125-A
[plat book # 20, folio 122, lots 36A & 36B N/A]

OWNER: PAUL N. AND DARLENE A. GLAUDENMANS

LOCATION INFORMATION

Election District: 04
Councilmanic District: NE 8A
Zoning: DE 'S.E.
Lot size: 0.22 acreage
Square feet: 10,045

SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:

date: prepared by: WM. MEYERS GND Scale of Drawing: 1" = 50'

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 801 & 811 REGISTER AVE. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: 10 LE WYLD DE
[plat book # 20, folio 122, lots 36A & 36B N/A]

OWNER: PAUL N. AND DARLENE A. GLAUDENMANS

LOCATION INFORMATION

Election District: 04
Councilmanic District: NE 8A
Zoning: DE 'S.E.
Lot size: 0.51 acreage
Square feet: 22,045

SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:

date: prepared by: WM. MEYERS GND Scale of Drawing: 1" = 50'

ZONING MAP
County Council

SCALE: 1" = 200' ±

DATE OF PHOTOGRAPHY: JANUARY 1986

LOCATION: STONELEIGH ANNESLIE ROGERS FORGE

SHEET: N.E. 8-A

97-125-A